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Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretariat has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, pursuant to General Assembly resolution 72/156.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

In the present report, the Special Rapporteur addresses the contemporary use of digital technology in the spread of neo-Nazi and related intolerance. She identifies recent trends and manifestations of glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She highlights States' obligations under human rights law to counter such extreme ideologies online, as well as the responsibilities of technology companies in the light of human rights principles. She also identifies States and technology companies' good practices, actions and initiatives with regard to tackling racist hate speech online generated by neo-Nazi and other hate groups.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to its resolution 72/156, in which it requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit to it at its seventy-third session a report on the implementation of that resolution on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In the present report, the Special Rapporteur addresses the role of digital technology in the spread of neo-Nazism and related ideology. She highlights trends in the glorification of Nazism, neo-Nazism and related ideology online; the consequences of those practices; the applicable international and regional human rights legal frameworks; and good practices by States, technology companies and civil society actors that show promise for restricting the use of digital technologies to propagate hate.

2. As highlighted in previous reports of the mandate holder (A/67/326 and A/HRC/26/49), digital technology, including the Internet and social media platforms, has become an essential and central component of people's everyday lives all over the world. For many, the Internet — and social media platforms especially — have become a primary source of information and means of communication. Notwithstanding the positive societal transformation that has been unlocked by digital technological developments, these developments have also aided the spread of hateful movements, including neo-Nazism or associated ideology.[1]

3. Nazi and neo-Nazi ideologies reject racial equality and advocate for extreme violence if necessary to achieve their vision of oppression and discrimination (see A/HRC/38/53, para. 5). At the core of those ideologies is visceral hatred of Jews and a commitment to anti-Semitism. Neo-Nazism also targets many other racial, ethnic and religious groups, including Slavs, Roma, Africans and people of African descent and Muslims. It further vilifies lesbian, gay, bisexual, transgender and intersex people, persons with disabilities and in some cases women.

4. Online communities can function as safe harbours for groups that espouse racial superiority and intolerance, allowing them to disseminate their ideology, organize meetings and violent protests, fundraise and engage in other activities that would be more difficult in the real world (ibid., para. 27). The anonymity permitted by digital technology, as well as its relatively easy transnational accessibility, have aided in the shift of extremist ideology closer to the mainstream. The result has been an increase in the presence of groups and individuals espousing ideologies of hatred online.[2] As one commentator noted, a monitoring group that had recorded only 3 racist websites in 1995 had by 2011 recorded 14,000 such websites and forums.[3]

5. The harmful effects and human rights violations associated with racist and xenophobic hate groups online do not affect all members of society equally. Jews remain especially vulnerable to anti-Semitic attacks online, as will be discussed throughout the present report, but others are also affected. One study from the United States of America, for example, found that racial minorities there were more likely to

[1] N. Alkiviadou, "Regulating Internet Hate: A Flying Pig", *Journal of Intellectual Property, Information Technology and E-Commerce* (2016), available at www.jipitec.eu/issues/jipitec-7-3-2016/4511.

[2] C. E. Ring, "Hate Speech in Social Media: An Exploration of the Problem and Its Proposed Solutions", Journalism and Mass Communication Graduate Theses and Dissertations, No. 15 (2013), available at https://scholar.colorado.edu/jour_gradetds/15/.

[3] Alkiviadou, "Regulating Internet Hate".

face online racial or ethnic harassment than whites, and similarly women were more likely to experience gender-related harassment online than men.[4]

II. Use of digital technologies in the propagation of neo-Nazi and related ideology

A. Propaganda, racist and intolerant mythology, hate speech dissemination and incitement to violence

6. One of the primary uses of digital technologies by neo-Nazi groups is as a means for the broad dissemination of their ideology. As a result, digital platforms have become vehicles for the spread of hate speech and incitement to discrimination, intolerance and violence on racial, ethnic, religious and related grounds. The largely unregulated, decentralized, cheap and anonymizing nature of the Internet has allowed such groups to for networks across borders[5] and amplify their hate-filled messages. According to one study, since 2012, the presence of white nationalist movements on Twitter has increased by more than 600 per cent. Furthermore, one of the highest trending themes on Twitter among white nationalists was the concept of "white genocide", defined as the endangerment of the "white race" by the increasing diversity of the modern societies.[6]

7. In one country, a survey concluded that at least two thirds of the population relied on social media platforms to receive information and have access to news content.[7] In that context, neo-Nazis and other hate groups have used such platforms to share content supporting their discredited ideas, including harmful stereotypes against stigmatized groups they target online, on a scale that would be difficult to achieve offline. According to a recent study, right-wing social network users overwhelmingly consume and relay low-quality, extremist, sensationalist and conspiratorial "news",[8] which conveys stereotypes and related propaganda, making violence against targeted groups more acceptable and arguably more likely.[9] Much like Nazi propaganda and disinformation strategies before and during the Second World War,[10] neo-Nazi and other hate groups rely heavily on racist memes and imagery to serve their interests and circulate harmful stereotypes about Muslims, Jews, people of African descents, migrants, as well as lesbian, gay, bisexual,

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[4] Pew Research Center, "Online Harassment 2017" (July 2017), available at http://assets.pewresearch.org/wp-content/uploads/sites/14/2017/07/10151519/PI_2017.07.11_Online-Harassment_FINAL.pdf.

[5] United Nations Educational, Scientific and Cultural Organization (UNESCO), *Youth and Violent Extremism on Social Media: Mapping the Research* (Paris, 2017), p. 19. Available at http://unesdoc.unesco.org/images/0026/002603/260382e.pdf.

[6] J. M. Berger, "Nazis vs. ISIS on Twitter: A Comparative Study of White Nationalist and ISIS Online Social Media Networks" (September 2016), p. 3.

[7] Pew Research Center, "News Use Across Social Media Platforms 2017" (September 2017), available from www.journalism.org/2017/09/07/news-use-across-social-media-platforms-2017/.

[8] Computational Project Research Project, "Polarization, Partisanship and Junk News Consumption over Social Media in the US" (6 February 2018), available from http://comprop.oii.ox.ac.uk/research/polarization-partisanship-and-junk-news/.

[9] K. Chahal, *Supporting Victims of Hate Crime: A Practitioner's Guide* (Bristol, Policy Press, 2016); D. Keats Citron and H. L. Norton, "Intermediaries and hate speech: fostering digital citizenship for our information age", *Boston University Law Review*, vol. 91 (2011), p. 1437; T. Morris, "Networking vehement frames: neo-Nazi and violent jihadi demagoguery", *Behavioural Sciences of Terrorism and Political Aggression*, vol. 6, No. 3 (2014), pp. 163–182, at pp. 163–171; and L. M. Woolf and M. R. Hulsizer, "Intra- and inter-religious hate and violence: a psychosocial model", *Journal of Hate Studies*, vol. 2, No. 5 (2003), pp. 5–25.

[10] United States Holocaust Memorial Museum, "Nazi propaganda", available at www.ushmm.org/collections/bibliography/nazi-propaganda#h112.

transgender and intersex people and women. Online news outlets closely linked to neo-Nazi ideology contribute greatly to the spread of disinformation and neo-Nazi propaganda. They actively incite supporters to comment and share offensive content via their own social networks and channels, and also rely on journalists, bloggers or others to help spread content.[11]

8. Anti-Semitic hate speech has been a persistent problem in social media. For example, in 2016, some Twitter users, including neo-Nazis, started using "triple parentheses" around the names of journalists and others they believed to be Jewish in order to single them out. That practice was used as a threatening gesture and to undermine the expertise and credibility of the targeted individuals.[12]

9. As mentioned in the Special Rapporteur's report to the Human Rights Council (see A/HRC/38/53, para. 31), YouTube remains the main video-sharing platform globally, including for extremist and hate supporters. According to one commentator, a wide portion of YouTube channels, content and user comments involve the exchange and transmission of racist, misogynistic and homophobic expression against groups stigmatized by neo-Nazis.[13] With over 1.5 billion viewers a month and 400 new hours of video uploaded every minute,[14] YouTube is an essential tool of communication for neo-Nazi and other hate groups and to broadcast to a large audience their propaganda. Many of those videos, hosted on channels containing hateful content, have received more than 100,000 views.[15] For example, in 2013, a six-and-a-half-hour video entitled "Adolf Hitler: The Greatest Story Never Told", hosted on YouTube, became the most shared video with white nationalist content.[16] The video advances a pro-Nazi revisionist account and remains available to date on the platform. Usually, neo-Nazis and hate groups create videos to distort reality and create propaganda content, often manipulated or edited to serve their interests and advance their ideas to create false images.[17] Furthermore, the recommendations algorithm and "autoplay" function of YouTube may serve hate groups' objectives in directing viewers to videos on the basis of videos previously watched, often towards more extreme content.[18]

10. YouTube has also been a hotbed for neo-Nazi music videos that advocate and glorify violence and incite mass killings of Muslims, Jews and other groups. Hate music videos usually celebrate the Holocaust, reference anti-Semitic conspiracy theories and other related racist hate speech.[19] After the white supremacist event that took place in Charlottesville, United States, in August 2017, several online music

[11] A. Marwick and R. Lewis, "Media Manipulation and Disinformation Online" (2017), p. 3. Available at https://datasociety.net/pubs/oh/DataAndSociety_MediaManipulationAndDisinformationOnline.pdf.

[12] Anti-Defamation League, "Hate in Social VR", available at www.adl.org/resources/reports/hate-in-social-virtual-reality#cautionary-tales-hate-bias-and-harassment-in-video-games-social-media-and-the-tech-industry.

[13] Ring, "Hate Speech in Social Media".

[14] Bob Moser, "How YouTube became the worldwide leader in white supremacy", *New Republic*, 21 August 2017, available at https://newrepublic.com/article/144141/youtube-became-worldwide-leader-white-supremacy.

[15] Ring, "Hate Speech in Social Media".

[16] Berger, "Nazis vs. ISIS on Twitter", p. 11.

[17] B. Mock, "Neo-Nazi groups share hate via YouTube", Southern Poverty Law Center, 20 April 2007, available at https://www.splcenter.org/fighting-hate/intelligence-report/2007/neo-nazi-groups-share-hate-youtube.

[18] Z. Tufekci, "YouTube, the Great Radicalizer", *New York Times*, 10 March 2018, available at https://www.nytimes.com/2018/03/10/opinion/sunday/youtube-politics-radical.html.

[19] N. Zuo, "YouTube's neo-Nazi music problem", *BBC*, 20 March 2018, available at https://www.bbc.co.uk/news/blogs-trending-43416117.

platforms took down neo-Nazi related music from their platforms.[20] However ensuring removal of racist content on line remains difficult.

11. Neo-Nazi and other hate groups have also used the Internet and social platforms to promote their violent actions. For example, Anders Breivik, who perpetrated xenophobic killings in Norway in 2011, published an anti-Muslim manifesto on his Twitter and Facebook profiles. Dylann Roof, a white nationalist who was charged with killing nine black people in a South Carolina church in the United States in June 2015, also published online a racist manifesto weeks before the shooting, along with photographs of himself with weapons and white supremacist related emblems.[21]

12. The strategy of some neo-Nazi and related organizations is to produce racist content in the guise of scientific or fact-based accounts, but that nonetheless promotes hateful falsehoods.[22] For many years, hate groups supporters have worked on their discourse in an attempt to "intellectualize" neo-Nazism, white supremacy and other related ideology, in the hope that their ideas would become a feature of public discourse.[23] Stormfront, one of the oldest and most influential racial supremacist websites, took that approach. Launched in 1995 and shut down in August 2017, the rhetoric on that website evolved overtime to mask hate speech with more acceptable-seeming discourse.[24]

B. Recruitment, networking and fundraising

13. Hate groups that embrace neo-Nazi and related ideology rely increasingly on the Internet and social media platforms to recruit new members into their ranks. Many use them to decentralize their recruitment and target specific groups of people, especially young people, owing to their widespread use and consumption of new technologies.[25] The most popular recruitment and networking platforms include Facebook, Twitter and YouTube. Twitter is especially popular for group coordination and for keeping neo-Nazis and their sympathizers up-to-date on relevant activities.[26] Before it was shut down in 2017, Stormfront served as a centralized forum where neo-Nazis and related hate groups could connect and recruit new supporters from all over the world. It also had a discussion section for young people, a section for women and national and regional areas.[27] Without ever meeting in person, participants were able to advance their cause with limited interference.

14. Facebook is used to identify like-minded individuals,[28] engage in private discussions online, and coordinate in-person meetings.[29] For example, in a short period, a Scandinavian far-right and anti-refugee organization was able to create a network of Facebook groups in order to communicate efficiently in gathering new

[20] J. Roettgers, "Spotify Starts Banning Neo-Nazi Bands; Google, Deezer and CD Baby Pledge to Follow Suit", *Variety*, 17 August 2017, see at https://variety.com/2017/digital/news/spotify-deezer-cd-baby-nazi-bands-1202531578/.

[21] Berger, "Nazis vs. ISIS on Twitter", p. 4.

[22] UNESCO, *Youth and Violent Extremism on Social Media*, p. 23.

[23] Marwick and R. Lewis, "Media Manipulation and Disinformation Online", p. 11.

[24] UNESCO, *Youth and Violent Extremism on Social Media*, p. 23.

[25] Pew Research Center, "Teens, Social Media & Technology 2018" (May 2018), available at www.pewinternet.org/2018/05/31/teens-social-media-technology-2018/.

[26] UNESCO, *Youth and Violent Extremism on Social Media*, p. 24.

[27] B. Galloway and R. Scrivens, "The hidden face of hate groups online: a former's perspective", *VoxPol*, 3 January 2018, available at http://www.voxpol.eu/hidden-face-hate-groups-online-formers-perspective/.

[28] UNESCO, *Youth and Violent Extremism on Social Media*, p. 15.

[29] A. Sankin, "The Hate Report: How white supremacists recruit online", *Reveal*, 12 January 2018, see https://www.revealnews.org/blog/the-hate-report-how-white-supremacists-recruit-online/.

members and supporters in other European and American countries. Neo-Nazi supporters share information, content, memes and images on Facebook, but these supporters mainly use the platform to create groups and organize events.[30] The online groups aim to develop their sense of community and help to rally the so-called "lone actors". They also create an opportunity for small or dispersed white supremacist groups, dedicated to the propagation of racial hatred in the United States and Europe, to converge transnationally.[31] It seems that many far-right groups use a combination of public groups, which anyone can join, as well as closed groups, which anyone can search for but which require approval to join, and secret groups, which are invite-only. When a person requests entry to a closed neo-Nazi group, they are usually required to go through a vetting process, such as uploading a video pledging one's allegiance to the cause or submitting to an interview over Skype.[32] Those methods usually render difficult the monitoring of hate content by Facebook's moderation team.

15. Sustainable online recruitment and networking relies on the use of racially coded messaging in order to avoid outright condemnation. For example, in 2016, "Pepe the Frog" which was originally a cartoon character without any racist or political connotations, became associated with the so-called alt-right movement, which includes neo-Nazis, white supremacists and other hate groups among its members. As a result, the image of Pepe the Frog on mainstream social media became a unifying symbol for those sharing racist views, especially those advocating anti-Semitism. The character was widely displayed during the Charlottesville white supremacist event in 2017.[33]

16. In order to attract young recruits, extremist groups use video games propagating ideologies of racial superiority and racial hatred. In 2010, a study found that hate-based videogames portrayed most hate groups positively and promoted discrimination and even extreme violence towards groups of people considered as enemies, such as blacks and Jews. The games were often modified versions of classic videogames in which the original enemies were replaced with religious, racial and/or ethnic minorities. The main purpose of the videogames is to indoctrinate players with white supremacist ideology and allow those who already hold racist ideologies to rehearse aggressive scripts toward minorities online, which may later be acted upon offline. Videogames may also have their own discussion forums, chatrooms and microblogging tools. These means are also used to spread propaganda and recruit new young followers. Some experimental social psychologists have argued that playing extensively violent videogames may result in increasing hostile expectations and aggressive behaviours. As mentioned in her report to the Human Rights Council, the Special Rapporteur notes that, while research suggests a correlation between youth violence and extremist propaganda, the exact roles of the Internet and social media in contributing to any radicalization process needs further exploration.[34]

17. Hate groups have also relied considerably in recent years on online platforms to plan, fundraise and circulate information about public events, such as rallies, demonstrations and events acts of violence. For example, a media report cited the website Discord, a group chat platform for gamers, as central to the planning of the

[30] J. C. Wrong, "How Facebook groups bring people closer together — neo-Nazis included", *The Guardian*, 31 July 2017, available at https://www.theguardian.com/technology/2017/jul/31/extremists-neo-nazis-facebook-groups-social-media-islam.

[31] UNESCO, *Youth and Violent Extremism on Social Media*, p. 24.

[32] Wrong, "How Facebook groups bring people closer together".

[33] Anti-Defamation League, "Hate in social VR".

[34] UNESCO, *Youth and Violent Extremism on Social Media*.

2017 Charlottesville white supremacist event.[35] Until a year ago, that chat platform had been very popular among neo-Nazis and white supremacists, who shared a plethora of Hitler memes, white nationalist revisionist history and computer game strategy.[36] After the Charlottesville white supremacist event, which resulted in the killing of one anti-fascist protester, the platform took action in banning several of the largest alt-right Discord communities, thus depriving them of one of their main tools for communication and organization.

18. Neo-Nazi and other groups have also used digital platforms to raise funding for their activities. Most mainstream fundraising platforms, which allow people to fund a variety of projects and raise money online, have policies and codes of conduct that prohibit campaigns that promote racist hate speech and violent acts.[37] Using those policies, several online fundraising companies have prevented extremist affiliated groups from acting on their platforms. A recent development, however, has been the increased use by neo-Nazi supporters of online-only cryptocurrency to support their movements and actions.[38] Early in 2018, the Southern Poverty Law Center released a list of 200 Bitcoin accounts closely linked to white supremacist leaders and organizations. The organization explained that the decentralized, peer-to-peer, cryptocurrency appealed to hate group leaders and other influential extremists, and that no company or government could intervene to stop the donations from flowing.[39]

III. Applicable racial equality framework

A. International law

19. The International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights impose strong limitations on the propagation of racist and xenophobic expression and outlaw advocacy of national, racial or religious prejudice that amounts to incitement to discrimination, hostility or violence. In its general recommendation No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination elaborated on how States parties should approach the regulation of racist speech under the Convention, and highlighted a number of factors that should inform the practice of Member States. Significantly, the Committee recalled that racial equality and freedom of expression were symbiotic and should not be pitted against each other in a competitive or zero-sum manner. Instead, the rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law and policy and practice as mutually supportive human rights.[40]

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[35] K. Roose, "This was the alt-right's favorite chat app. Then came Charlottesville", *New York Times*, 15 August 2017, available at www.nytimes.com/2017/08/15/technology/discord-chat-app-alt-right.html.

[36] Joseph Bernstein, "A thriving chat startup braces for the alt-right", Buzzfeed News, 23 January 2017, available at www.buzzfeednews.com/article/josephbernstein/discord-chat-startup-braces-for-the-alt-right.

[37] S. Dang, "Charlottesville: crowdfunding sites refuse to host campaigns raising money for neo-Nazi murder suspect", *The Independent*, 15 August 2017. Available at www.independent.co.uk/news/world/americas/charlottesville-latest-james-alex-field-crowdfunding-white-nationalists-kkk-neo-nazis-gofundme-a7893891.html.

[38] Southern Poverty Law Center, "In place of traditional fundraising sources, bitcoin fills a gap for hate groups", 27 December 2017. Available at https://www.splcenter.org/hatewatch/2017/12/27/place-traditional-fundraising-sources-bitcoin-fills-gap-hate-groups.

[39] Southern Poverty Law Center, "Bitcoin and the alt-right". Available at https://www.splcenter.org/bitcoin-and-alt-right.

[40] Committee on the Elimination of Racial Discrimination, general recommendation No. 35 (2013) on combating racist hate speech, para. 45.

The Special Rapporteur would like to reaffirm the position of several United Nations human rights mechanisms, her predecessor and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, that those obligations also apply online.[41]

20. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination requires State parties to condemn all propaganda and all organizations based on ideas or theories of superiority based on race, national origin, colour or ethnicity, or that attempt to justify or promote racial hatred and discrimination in any form. It also requires States parties to undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to make the dissemination of ideas based on racial superiority or hatred or incitement to, or acts of, such discrimination punishable by law. The Committee has recommended concrete guidance to States parties on the adoption of legislation to combat racist speech, in accordance with article 4, and the Special Rapporteur encourages States to review its general recommendation No. 35 in order to benefit from its concrete guidance.

21. Article 19 of the International Covenant on Civil and Political Rights protects freedom of opinion and expression, which may only be restricted by law and when such restrictions are necessary for protection of the rights or reputations of others and of national security and public order. Any restriction on freedom of speech must not only be a matter of necessity but must also be proportionately tailored to achieve the legitimate end that warrants the restriction.[42] Article 20 of the Covenant states that States parties must legally prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Human Rights Committee and a number of human rights mechanisms have interpreted that provision as requiring a high threshold because the limitation of speech must remain exceptional.

22. Freedom of expression is also enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee on the Elimination of Racial Discrimination has reiterated that freedom of expression is integrated into the Convention and that it contributes to a fuller understanding of the parameters of freedom expression under international human rights law. When determining what forms of racist expression should be punishable by law, the Committee stresses the importance of context, which includes: (a) the content and form of speech; (b) the economic, social and political climate; (c) the speaker's status and position; (d) the reach of the speech; and (e) the objectives of the speech. States parties must take urgent action to ensure that racist expression that violates the standards set out in the Convention are made punishable by law. As stated by the former Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, States are also required to criminalize and prohibit exceptional types of action and expression online, encompassing direct and public incitement to genocide and incitement to national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (see A/66/290, paras. 25 and 28). Furthermore, The Committee has recommended that the criminalization of racist expression only be reserved for serious cases, to be proved beyond reasonable doubt and governed by principles of legality, proportionality and necessity,[43] and that less serious cases be dealt with using non-criminal sanctions. The Convention requires States parties to declare illegal and prohibited racist organizations that

[41] Committee on the Elimination of Racial Discrimination, general recommendation No. 35; A/HRC/26/49; A/67/326; A/HRC/38/35 and A/67/357.

[42] See *Velichkin v. Belarus* (CCPR/C/85/D/1022/2001), Views adopted on 20 October 2005.

[43] See Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, paras. 22–25 and 33–35.

promote and incite racial discrimination, meaning they must take action to prohibit racist organizations, in accordance with article 4 (b), including in contexts where such organizations use nationalist populist fervour to attempt to mainstream their extreme ideologies or racial, ethnic or religious hatred and intolerance. Under the Convention, legislation to combat racist expression is not sufficient. Article 6 makes clear that effective protection from and remedies for racial discrimination are just as important as formal provisions.

23. Unfortunately, Member States sometimes use pretextual concerns about racist or intolerant speech in order to illegitimately quash expression. In that regard, the Committee has observed with concern that broad or vague restrictions on freedom of speech have been used to the detriment of groups protected by the Convention. The Special Rapporteur endorses the Committee's strong position that measures to monitor and combat racist speech should not be used as a pretext to curtail expressions of the protest at injustice, social discontent or opposition.[44] Overbroad defamation and slander laws that target minority religious groups, political opponents, academics, human rights defenders or others who exercise their freedom of expression appropriately should not be tolerated, even online. The Special Rapporteur strongly condemns attempts by public and private actors to co-opt the language of equality and non-discrimination as a means of stifling legitimate expression. Similarly, the Special Rapporteur also condemns attempts by public and private actors to use the language of freedom of expression as a means or cover for violating the rights of others to equality and non-discrimination.

24. The Committee highlights that, although article 4 has operated as the principle vehicle for racist speech prohibition, the International Convention on the Elimination of All Forms of Racial Discrimination contains other provisions essential for fulfilling the objectives articulated in article 4. Article 4 expressly invokes article 5, which guarantees the right to equality before the law and the right to be free from racial discrimination in the enjoyment of human rights, including freedom of expression. Article 6 requires effective remedies for violations of the rights enshrined in the Convention as previously mentioned, and article 7 underscores the importance of education in promoting equality and tolerance.

25. The Durban Declaration and Programme of Action condemns the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice. It further condemns political platforms and organizations that promote doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, highlighting that they are incompatible with democracy and transparent and accountable governance. It further reaffirms in its paragraph 94 that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but can also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle that reinforces racist attitudes and prejudices.

26. In the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, the Office of the United Nations High Commissioner for Human Rights (OHCHR) also suggests a high threshold for restrictions on freedom of expression. It outlines a six-part threshold test in keeping with the approach of the Committee, taking into account the context, speaker, intent and content, as well as the likelihood to cause harm and the extent of that harm. The consultative process of the Rabat Plan aimed at enhancing the understanding of the relationship between freedom of expression and incitement

[44] Committee on the Elimination of Racial Discrimination, general recommendation No. 35, para. 20.

to hatred. In a report, OHCHR expressed concerns regarding how Member States often refrained from punishing perpetrators of incidents in violation of article 20 of the Covenant, and at the same time oversaw the de facto persecution of minorities through the abuse of vague domestic legislation, jurisprudence and policies on speech. It also found that anti-incitement laws in countries worldwide were at times excessively narrow or vague (see A/HRC/22/17/Add.4, appendix, para. 11). The Rabat Plan of Action recommends that domestic legal frameworks on incitement to hatred expressly reference article 20 (2) of the Covenant and include robust definitions[45] of key terms, such as hatred, discrimination, violence and hostility, as defined by the Camden Principles on Freedom of Expression and Equality.[46]

B. Regional law

27. The African Charter on Human and Peoples' Rights enshrines equality and the right to non-discrimination (arts. 2, 19 and 28 among others), and guarantees the right to freedom of expression (art. 9). Although the Charter makes no explicit reference to incitement to racial hatred or violence, the African Commission on Human and Peoples' Rights condemned the use of hate speech on the Internet such as any form of speech that degrades others, promotes hatred and encourages violence against a group on the basis of criteria, including race, colour, religion, national origin, gender, disability or a number of other traits.[47]

28. Racial hatred, xenophobia and hate speech are contrary to fundamental human rights as guaranteed under the American Convention on Human Rights (arts. 1 and 13 (5)). It enshrines freedom of expression (art. 13), and States that any propaganda for war and any advocacy of national, racial or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds, including those of race, colour, religion, language, or national origin, shall be considered offenses punishable by law. Furthermore, the Special Rapporteur for freedom of expression of the Inter-American Commission on Human Rights, along with the former Special Rapporteur on the rights to freedom of opinion and of expression and other experts, have declared that expression that incites or promotes racial hatred, discrimination, violence and intolerance is harmful and that crimes against humanity are often accompanied or preceded by these forms of expression.[48]

29. The Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the European Convention on Human Rights) prohibits discrimination, including on the grounds of race, colour and religion, and ensures the enjoyment of the rights and freedoms without discrimination (arts. 1 and 14). While protecting the right to freedom of expression, the European Convention does not specifically mention safeguards against hate speech. However, the European Court of Human Rights has in extensive jurisprudence ruled on matters regarding hate speech and the

[45] See also A/67/357, paras. 44–46.

[46] See www.article19.org/resources/camden-principles-freedom-expression-equality/. See also E/CN.4/1996/39, annex; and A/67/357, paras. 39–45.

[47] African Commission on Human and Peoples' Rights, resolution on the right to freedom of information and expression on the Internet in Africa (ACHPR/Res.362(LIX) 2016).

[48] See E/CN.4/2002/75, annex VI. See also Igicio Gagliardone et al., "Countering online hate speech", UNESCO Series on Internet Freedom (Paris, 2015), p. 24. Available at www.nohate.es/media/uploads/countering_online_hate_speech_.pdf.

glorification of Nazism, including in the digital space.[49] In *Lehideux and Isorni v. France*, it opined that the denial or revision of clearly established historical facts, such as the Holocaust, would not fall under the protection of the right to freedom of expression under the European Convention.[50]

30. European Union law defines illegal hate speech as "the public incitement to violence or hatred directed to groups or individuals on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin".[51] The Council of Europe has adopted the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, which prohibits racist and xenophobic material online.[52] The Protocol outlaws the denial, gross minimization, approval or justification of genocide or crime against humanity. The drafters of the Additional Protocol later explained that the expression of such ideas insults the memory of those persons who have been victims of such evil, as well as their relatives. Finally, it threatens the dignity of the human community.[53] The drafters have also explained that this provision is intended to cover the Holocaust and other genocides and crimes against humanity since 1945.[54]

31. In 2000, the European Commission against Racism and Intolerance passed its general policy recommendation No. 6 on combating the dissemination of racist, xenophobic and anti-Semitic material over the Internet, by which it requested States in particular to include the issue of combating racism, xenophobia and antisemitism in all current and future work at the international level, aimed at the suppression of illegal content on the Internet, and to support the self-regulatory measures taken by the Internet industry to combat racism, xenophobia and antisemitism on the Internet, such as anti-racist hotlines, codes of conduct and filtering software, and encourage further research in that area.[55] In its general policy recommendation No. 15 on combating hate speech (2015), Commission members recalled that all regulatory action must be consistent with the right to freedom of expression,[56] and that the

[49] European Court of Human Rights, jurisprudence on hate speech online and negationism/revisionism. *Case of Delfi AS v. Estonia*, application No. 64569/09, Judgment of 16 June 2015; *Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary* (2016); *Pihl v. Sweden* (2017); *Smajić v. Bosnia and Herzegovina* (2018); *Nix v. Germany* (2018); *Garaudy v. France* (2003); *Honsik v. Austria* (1995); *Marais v. France* (1996); *M'Bala v. France* (2015); European Court of Human Rights, "Hate speech", factsheet, June 2018. Available at https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf.

[50] European Court of Human Rights, *Case of Lehideux and Isorni v. France*, No. 55/1997/839/1045, Judgment of 23 September 1998. Available at http://hudoc.echr.coe.int/eng?i=001-58245.

[51] Framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. Available at https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l33178&from=EN.

[52] Council of Europe Convention on Cybercrime and the Additional Protocol thereto, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, arts. 1 and 2. Available at https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/0900001680081601.

[53] Explanatory report to the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, available at https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d37ae.

[54] Ibid., para. 40.

[55] European Commission against Racism and Intolerance, general policy recommendation No. 6 on combating the dissemination of racist, xenophobic and anti-Semitic material via the Internet (adopted on 15 December 2000), available at www.coe.int/web/european-commission-against-racism-and-intolerance/recommendation-no.6.

[56] European Commission against Racism and Intolerance, general recommendation policy No. 15 on hate speech (2015), para. 133.

placing of greater reliance on self-regulation to tackle the use of hate speech will in many instances be not only more effective but also more appropriate.[57]

IV. Good practices for countering neo-Nazism and other related intolerance online

A. Member State practice

32. Many States worldwide have taken legal actions against the promotion of Nazism and related ideology, from criminalizing Holocaust denial, banning neo-Nazi messages and imposing a ban on racist hate speech, to the prohibition of Nazi symbols, including images, books and materials.[58] At least one country proposed a bill that required social media platforms to remove within 24 hours content that violated national hate speech legislation, including neo-Nazi-related content.[59] In addition to restrictive laws, some States have created or requested governmental authorities in charge of dealing with telecommunications to deal with cases of online hate speech.[60] Some countries have also adopted policies and plans, including initiatives to tackle racist hate speech online.[61] By early in 2018, about two thirds of the European Union member States had a national contact point responsible for online hate speech.[62] Such practices are good as long as States do not use hate speech regulation as a pretext for censorship and other abuses.

33. However, not all countries have the same level of expectations with regard to the criminalization of Holocaust denial or the promotion of Nazism. In some countries, all Nazi-related messages, including Holocaust denial,[63] are strictly criminalized. In others, racist speech is protected on the grounds of freedom of speech and expression.[64] For example, in one State, racist hate speech, including online content sympathetic to neo-Nazi and related ideology, receives the highest level of protection related to the right to freedom of expression and opinion under its constitutional law and court jurisprudence.[65] This difference with respect to States' tolerance of online hate and the negative impact it can have creates regulatory problems and disparities in the treatment of xenophobic and racist material and

[57] Ibid., para. 130.

[58] Submissions received from Poland, Portugal, the Russian Federation, Spain and Ukraine.

[59] In January 2018, Germany began to enforce the *Netzwerkdurchsetzungsgesetz*, the first law of its kind in Europe. This new law requires social media platforms to remove within 24 hours most content that violates the strict anti-hate speech laws of Germany, or face fines of up to €50 million. Prohibited content includes pro-Nazi material. However, the law is still a work in progress. See also Anti-Defamation League, "Hate in Social VR".

[60] Submission received from Portugal and the Russian Federation.

[61] Submission received from Italy, the Russian Federation and Spain.

[62] European Commission, "Countering illegal hate speech online: commission initiative shows continued improvement, further platforms join", press release, 19 January 2018.

[63] Jacqueline Lechtholtz-Zey, "The laws banning Holocaust denial: revised from GPN issue 3", Genocide Prevention Now, No. 9, 2012. Available at http://www.ihgjlm.com/wp-content/uploads/2016/01/Laws-Banning-Holocaust_Denial.pdf.

[64] Flemming Rose, "The problem with hate speech laws in Europe", *El Pais*, 30 January 2017. Available at https://elpais.com/elpais/2017/01/30/inenglish/1485772786_432779.html; Reeta Pöyhtäri, "Limits of hate speech and freedom of speech on moderated news websites in Finland, Sweden, the Netherlands and the United Kingdom", *Annales*.

[65] The United States allows all forms of speech under the first amendment to its Constitution, except when hateful Internet communications incite imminent lawless action or constitute a true threat; see United States Supreme Court, *Reno v. ACLU* (1997). See also D. Hudson Jr. and Mahad Ghani, "Hate speech online", Freedom Forum Institute, 18 September 2017. Available at https://www.freedomforuminstitute.org/first-amendment-center/topics/freedom-of-speech-2/internet-first-amendment/hate-speech-online/.

content disseminated by neo-Nazi groups, especially since many such groups operate transnationally. If a person resides in a jurisdiction that restricts racist speech online, he or she may avoid penalties by relying on an Internet service provider or hosting platform located in a country that tolerates such content.[66] This creates a double standard with regard to the liability of Internet and social media platform users.[67] Disparities among national legislations globally have had a considerable effect on the regulation of online content, the liability of people who upload racist content and the actions and responsibilities of technology companies.

34. Some States have tried to overcome the issue of jurisdictional safe havens for websites, forums or other platforms containing hate speech by blocking access to such content through regional human rights mechanisms or national tribunals.[68] Furthermore, in States where neo-Nazi or other racist hate content is prohibited, technology companies are required to comply with national legislation against Holocaust denial and any form of glorification of Nazism. In some European countries where such laws exist, users cannot gain access to neo-Nazi content,[69] such as YouTube videos, that they would be able to view in a neighbouring country without similar restrictions.[70] Although commendable, those strategies are usually expensive, show limited effectiveness and can have a detrimental impact on access to information and freedom of information if not properly designed and implemented.[71]

B. Good practices from technology companies

35. Early in the digital age, many States adopted rules to protect technology intermediaries, including Internet service providers, social media platforms and others, from liability for the content that third parties publicize on their platforms (see A/HRC/38/35, para. 13).[72] Over the past five years, many such technology companies have nonetheless made serious efforts to combat racist hate speech online,[73] including expressions of glorification of Nazism and neo-Nazism. Companies such as GoDaddy, Google and Airbnb have taken action to remove white nationalist and neo-Nazis content from their services.[74] Other platforms, like Twitter, Facebook and

[66] Alkiviadou, "Regulating Internet Hate".

[67] Morris Lipson, "Regulating hate speech content for the Internet: the legal jurisdiction puzzle", Organization for Security and Cooperation in Europe (OSCE), 2004. Available at https://www.osce.org/fom/36097?download=true.

[68] For example, Spain has allowed the judiciary to block Internet sites that do not comply with Spanish law. See also European Court of Human Rights, *Perrin v. United Kingdom* (No. 5446/03, ECHR 2005-XI). In Germany, the Federal Court held that all material uploaded to the Internet is answerable to German anti-hate legislation regardless of the country in which the material was created, with the only element posing any sort of significance being its accessibility to German Internet users. See also Alkiviadou, "Regulating Internet Hate".

[69] See LICRA v. Yahoo! (2000); Agnieszka Pikulicka-Wilczewska, "Nazi-inspired jewellery, trinkets wiped from auction site", *Al Jazeera*, 29 July 2018, available at www.aljazeera.com/indepth/features/nazi-inspired-jewellery-trinkets-wiped-auction-site-180728225153685.html; and Zuo, "YouTube's neo-Nazi music problem".

[70] Submission from YouTube.

[71] Sandy Starr, "Understanding hate speech", in *The Media Freedom Internet Cookbook*, Christian Möller and Arnaud Amouroux, eds. (Vienna, OSCE, 2004). Available at https://www.osce.org/fom/13846?download=true.

[72] Submission from Mozilla.

[73] Conor Cawley, "The tumultuous relationship between social media and hate speech", Tech.co, 4 January 2018. Available at https://tech.co/relationship-social-media-hate-speech-2018-01.

[74] Christine Hauser, "GoDaddy severs ties with Daily Stormer after Charlottesville article", *New York Times*, 14 August 2017, available at www.nytimes.com/2017/08/14/us/godaddy-daily-stormer-white-supremacists.html?_r=0.

YouTube, have in the past year banned individual users who have threatened violence or contributed to hate movements.[75]

1. Codes of conduct and rules and ethics codes

36. Many companies have adopted and updated regularly codes of conduct or ethics, including provisions on online hate speech. All of the companies that submitted information for the present report had policies against online hate speech more or less encompassing the glorification of Nazism, neo-Nazism and related content.

37. For example, the Wikimedia Foundation, which hosts Wikipedia and several other projects, acknowledged the dangers of harmful content online. Its policy states that contributors should not use Wikipedia articles, usernames, forum pages or user pages as a means of promoting racist hate speech and/or neo-Nazism or related ideology principles.[76] Twitter has its own code of conduct and rules, including on hateful content and conduct,[77] and a media policy, in order to combat such conduct and content and to counter propaganda from violent extremist groups.[78] The Internet service provider Mozilla has projects around world, raises awareness, presents to lawmakers and builds tools and mechanisms to combat hate speech, including the spread of neo-Nazism and related ideology.[79] YouTube, via Google, has a hate speech policy and at the same time encourages free speech. Incitement to hatred and violence against a group of people on the basis of their race, ethnicity or religion is prohibited under its policies.[80] YouTube allows the criticism of a nation State "unless if the primary purpose of the content is to incite hatred against a group of people, solely based on their ethnicity, or if the content promotes violence based on [race, ethnic origin or religion]", which would therefore violate its policies.[81] In addition, Facebook has rules prohibiting hate speech on its platform as a means of preventing an "environment of intimidation and exclusion and ... real-world violence".[82] Facebook defines hate speech as a "direct attack on people" on the basis of race, ethnicity, national origin, religious affiliation, sexual orientation, gender, gender identity or serious disability or disease. Facebook defines an online "attack" as "violent or dehumanizing speech, statements of inferiority or calls for exclusion or segregation".[83]

2. Neo-Nazi-related content moderation

38. In order to comply with their policies and rules, technology companies have adopted several initiatives to combat racist hate speech, including that of neo-Nazis or other hate groups, on their platforms. On Wikipedia, articles must be backed by citations to reliable sources, which to a certain extent helps to diminish the spread of

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[75] A. Robertson, "YouTube bans neo-Nazi channel after criticism over hate speech rules", *The Verge*, 28 February 2018, available at www.theverge.com/2018/2/28/17062002/youtube-ban-atomwaffen-neo-nazi-channel-hate-speech-rules; Roose, "This Was the Alt-Right's Favorite Chat App"; M. Little and S. Hollister, "Reddit, Facebook ban neo-Nazi groups after Charlottesville attack", *Cnet*, 15 August 2017, available at www.cnet.com/news/reddit-facebook-bans-neo-nazi-groups-charlottesville-attack/.

[76] Submission of the Wikimedia Foundation.

[77] Submission of Twitter, Inc. See also https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy.

[78] Submission of Twitter, Inc.

[79] Submission of Mozilla. See also www.mozilla.org/en-US/about/manifesto/.

[80] YouTube policy on hate speech, available at https://support.google.com/youtube/answer/2801939?hl=en.

[81] Ibid.

[82] Facebook community standards, available at https://www.facebook.com/communitystandards/objectionable_content/.

[83] Ibid.

false, harmful ideologies across the platform.[84] Google and YouTube rely on users to identify content that may violate their policies.[85] If it receives a report of a potential policy violation, it reviews the content and takes action, including limiting access to content, the removal of content, denial of access to printing the content and the restriction or termination of user access to Google products. YouTube also has a blacklist function whereby it can reject key words and terms — for example, racist, sexist or homophobic expressions — in the comments to a user's video, if he or she does not wish to have them appear.[86] Both the uploader and the commenter can flag comments or content that potentially violate YouTube's policies. Comments might be reviewed for approval by the author of the channel or by a YouTube moderator.[87]

39. Although Facebook's policy regarding the removal of content remains quite general and vague,[88] it too has removed content that glorifies violence or celebrates the suffering or humiliation of others, on the grounds that such content creates an environment that discourages participation. Graphic content is permitted, with some limitations, to help people raise awareness of issues like human rights abuses or acts of terrorism. A warning label might be added to especially graphic or violent content so that it is not available to all audiences.

3. Private partnerships with States, regional mechanisms and civil society organizations

40. Several of the technology companies consulted for the present report emphasized their commitment to complying with domestic legislation. Several were also exploring cooperation partnerships with Member States as well as regional institutions on the regulation of online content. Some companies reported that they had made efforts to consult and collaborate with civil society organizations, especially about guidance on content regulation[89] and human rights training.[90]

41. For example, Mozilla collaborates closely with policymakers, including at the European Union level, and with other technology companies, including Facebook and Twitter. It advocates against filtering as a method of suppressing certain undesired web content, since that can be difficult to identify properly. It also cites the risk to users' freedom of expression where blanket recognition and automated technologies are used.[91]

42. In May 2016, Facebook, Microsoft, Twitter and YouTube made a commitment to combat the spread of hate content online in Europe by adopting a code of conduct that targeted the incitement to commit violence or generate hatred on the grounds of race, colour, religion, descent or national or ethnic origin. The code stressed the right to freedom of expression and the important role of civil society organizations in countering negative and harmful narratives, and committed technology companies to ensuring that their platforms did not offer opportunities for illegal online hate speech

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[84] Submission of the Wikimedia Foundation.

[85] Google user content and conduct policy, available at https://www.google.com/+/policy/content.html.

[86] Submission from YouTube. See also "YouTube fait évoluer son système de commentaires", *Le Monde*, 4 November 2016, available at https://www.lemonde.fr/pixels/article/2016/11/04/youtube-fait-evoluer-son-systeme-de-commentaires_5025220_4408996.html.

[87] Submission from YouTube.

[88] https://www.facebook.com/communitystandards/content_related_requests/.

[89] Google also collaborates with civil society organizations, including the Anti-Defamation League. Submission from Google.

[90] Submission from Twitter.

[91] Submission from Mozilla.

to spread virally.[92] Google+, Instagram, Snapchat and most recently Dailymotion have also announced that they would adopt the code of conduct,[93] under which technology companies have removed 70 per cent of the content flagged by civil society organizations and other relevant stakeholders as illegal hate speech.[94]

V. Conclusion and recommendations

43. The growing support for neo-Nazism and related ideology, especially through the use of new digital technologies, is of primary concern to the Special Rapporteur. The current international and regional human rights framework offers relevant principles that should be implemented effectively in law and in practice by States in order to tackle such forms of racism and intolerance online.

44. The Special Rapporteur would like to reaffirm the recommendations made in previous reports of the mandate holder, which remain timely and effective, on combating the glorification of Nazism and neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She urges States to pursue their efforts and take immediate measures to combat such practices or any direct or indirect manifestation of neo-Nazism or related intolerant ideology, including in the digital space.

45. With respect to racist expression online, including from neo-Nazi or other hate groups, the Special Rapporteur urges Member States to implement the concrete recommendations that other United Nations bodies, especially the Committee on the Elimination of Racial Discrimination, have made pertaining to combating racist and xenophobic expression. General recommendation No. 35 of the Committee is vital in that regard, the practical guidance of which is not summarized here owing to space constraints.

46. In keeping with the Committee's guidance, the Special Rapporteur urges States parties to withdraw their reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 of the International Covenant on Civil and Political Rights. She also reiterates paragraph 9 of general recommendation No. 35, which states that, as a minimum requirement, and without prejudice to further measures, comprehensive legislation against racial discrimination, including civil and administrative law as well as criminal law, is indispensable to combating racist hate speech effectively. Racial equality and freedom of expression are mutually reinforcing, even where online communication is concerned. The Rabat Plan of Action is another resource that can help those Member States that seek to develop a human rights-compliant approach to combating racist expression.

47. The establishment of laws and policies should include representatives of those communities most affected by neo-Nazi and other extremist groups (see A/67/326, para. 49; and A/HRC/26/49, paras. 55–63). While laws prohibiting racist hate speech and incitement to hatred and violence in compliance with international human rights law are essential, they should be defined in consultation with civil society organizations that work on the issue of racial

[92] Code of conduct on countering illegal hate speech online, available at https://ec.europa.eu/information_society/newsroom/image/document/2016-50/factsheet-code-conduct-8_40573.pdf.

[93] European Commission, "Countering illegal hate speech online: #NoPlace4Hate", 11 July 2018. Available at http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300.

[94] European Commission, "Countering illegal hate speech online: commission initiative shows continued improvement, further platforms join", press release, 19 January 2018. Available at http://europa.eu/rapid/press-release_IP-18-261_en.htm.

discrimination and the fight against neo-Nazi-related intolerance. Such organizations play a crucial role in reporting, monitoring and advocating against neo-Nazism and other extreme ideologies online. By creating maps and databases and reporting cases of neo-Nazi hatred or related activities, and by filing complaints to domestic and regional courts, civil society contributes to combating the spread of such extremist ideologies online (A/HRC/26/49, paras. 55–63).[95]

48. **Criminal and civil penalties alone will not put an end to racial and xenophobic intolerance online. Member States should invest more resources in building and sharing knowledge on successful positive measures that go beyond sanctioning violations once they have occurred.**

49. **Technology companies will continue to have a significant role in combating intolerance online, and Member States should work collaboratively with the private sector as a result.**

50. **Technology companies must invest the resources necessary to ensure that their codes of conduct and actual practices reflect a serious commitment to racial equality, and to an understanding of the right to freedom of expression that complies with international human rights law and principles.**

51. **Technology companies should thus commit to combating racist hate speech as defined in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, and as elaborated under the Rabat Plan of Action. They should also embrace the Guiding Principles on Business and Human Rights and the framework on content regulation recently suggested by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/38/35).**

[95] See also the "hate maps" generated by non-governmental organizations such as the Southern Poverty Law Center, the Anti-Defamation League, the Association for Progressive Communications, etc.